

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WW CONSTRUCTION, INC.,

Plaintiff,

v.

No. CV 07-1163 JCH/CEG

MESCALERO APACHE TRIBE,
MARK CHINO, in his official and
individual capacities, and the
UNITED STATES DEPARTMENT
OF THE INTERIOR BUREAU OF
INDIAN AFFAIRS,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on October 9, 2008. Docket no. 26. The proposed findings notify WW Construction, Inc. of its ability to file objections and that failure to do so waives appellate review. To date, Plaintiff has not filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) The Magistrate Judge's Proposed Findings and Recommended Disposition (docket no. 26) are adopted;
- 2) The Mescalero Apache Tribe and Mark Chino's Motion to Dismiss (docket no. 8) and the United States Department of the Interior, Bureau of Indian Affairs' Motion to Dismiss (docket no. 14) is granted;
- 3) WW Construction, Inc.'s "Complaint for Negligence, Prima Facie Tort, Negligent

Misrepresentation, Fraud or Breach of Implied Lease, Breach of Lease, Wrongful Seizure of Property, Damages” is dismissed without prejudice; and

- 4) Civil case number 07-1163 JCH/CEG is hereby closed.


UNITED STATES DISTRICT JUDGE